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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/024,945	12/19/2001	William D. Denison	215001	8390

22850 7590 09/03/2003

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EXAMINER

ZIMMERMAN, BRIAN A

ART UNIT PAPER NUMBER

2635

DATE MAILED: 09/03/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/024,945

Applicant(s)

DENISON ET AL.

Examiner

Brian A Zimmerman

Art Unit

2635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE \_\_\_\_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 23 June 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 40-47 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 40-47 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) g.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

***Double Patenting***

1. Claims 43-47 are is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 10 and 13 of U.S. Patent No. 5617082.

Although the conflicting claims are not identical, they are not patentably distinct from each other because the patented claims are narrower than the pending claims and include all the currently claimed limitations. Therefore, the pending claims would have been obvious in view of the patented claims.

***Claim Rejections - 35 USC § 103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Applicant's arguments with respect to claims 40,41 have been considered but are moot in view of the new ground(s) of rejection.

2. Claims 41-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vanderschel (5349345) and Anderson (5021776).

Vanderschel shows a method of assembly for an access control device, which requires a permanent access code be entered prior to entering a user access code in the mode of programming the user access code. See col. 6 lines 15+. The difference between the claimed invention and the Vanderschel reference is that the code is entered in the claim using a keyboard, while the

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code of Vanderschel is entered using a key. Vanderschel shows that both keys and keyboards can equally be used to enter codes; the key code is entered using the key and the PIN is entered using the keyboard.

Vanderschel shows a method of assembly for an access control device, which includes a keypad 20, a processor circuit (figure 3 and a non-volatile memory for storing a permanent code- Manufacture Usage Code) see table 2, and col. 3 lines 6+.

The printer jack permits the reading of the code from the processor memory through a port other than the keypad. Col. 3 lines 19-24.

In an analogous art, Anderson shows a locking system where the access codes are stored in non-volatile programmable memory 6. This enables the lock to function properly even in the case after power has been previously lost.

Anderson also shows the use of a keypad to enter codes into the lock.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have used non-volatile memory to store the access codes in the Vanderschel system to ensure proper functioning after power has been restored.

It is noted that the claimed limitation "method of assembling" exists merely in the preamble and is not afforded patentable weight in the claims.

Furthermore, the steps taken during "in the field programming" of a device is still considered a method of assembling.

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3. Claims 44-47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vanderschel and Anderson as applied to claim 43 above, and further in view of McNair (5559505).

In an analogous art, McNair shows a security locking system where the user is notified when a key has been pressed out of sequence S-221. McNair also sets time periods for responding to keys. This improves security by preventing unauthorized entry. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have used the timing scheme of McNair to improve security in the above modified system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian A Zimmerman whose telephone number is 703-305-4796. The examiner can normally be reached on Monday thru Friday 6:30 to 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mike Horabik can be reached on 703-305-4704. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.

BAZ  
August 22, 2003

  
BRIAN ZIMMERMAN  
PRIMARY EXAMINER